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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number 10/707,148

Filing Date 11/24/2003

First Named Inventor CHABOT

Art Unit 3761

Examiner Name

Attorney Docket Number 6536-0301

### ENCLOSURES (Check all that apply)

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input checked="" type="checkbox"/> Fee Attached                          | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input checked="" type="checkbox"/> Petition                              | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

Remarks

Petition to Make Special for New Application 37 CFR 1.102(d)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Chabot & Associates		
Signature	<i>Ralph D. Chabot</i>		
Printed name	Ralph D. Chabot		
Date	01/19/2005	Reg. No.	39,133

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/707,148
Filing Date	11/24/2003
First Named Inventor	CHABOT
Art Unit	3761
Examiner Name	
Attorney Docket Number	6536-0301

**Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Ralph D. Chabot

Typed or printed name

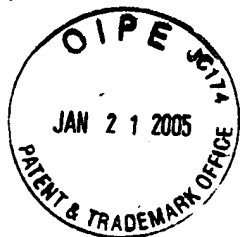
01/19/2005

Date

39,133

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Attorney's file 6536-0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Renata Chabot  
Serial No.: 10/707,148  
Filed: November 24, 2003  
Group Art Unit: 3761

For: METHOD FOR LIMITING MOVEMENT OF AN INFANT IN A PARTICULAR  
DIRECTION

**PETITION TO MAKE SPECIAL FOR NEW APPLICATION**  
**37 C.F.R. §1.102(d)**


Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

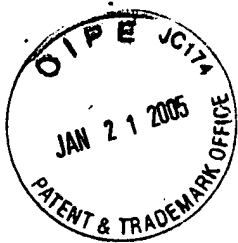
It is requested that the referenced application for a METHOD FOR LIMITING  
MOVEMENT OF AN INFANT IN A PARTICULAR DIRECTION be given priority under 37  
C.F.R. §1.102(d). The petition fee required under 37 CFR 1.17(h) is provided by the  
attached Credit Card Form PTO 2038.

Included with this petition are the required statement of a pre-examination search,  
copies of the most closely related references, and detailed discussion of the references as  
required by MPEP §§708.02 VIII (C)-(E).

Respectfully submitted,

  
Ralph D. Chabot  
Reg. No. 39,133

Date: January 19, 2005



Docket No.: 6536-0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Renata Chabot

Serial No.: 10/707,148

Filed: November 24, 2003

For: Method for limiting Movement of an Infant in a Particular Direction

Group Art Unit: 3761

**SUPPORTING INFORMATION FOR PETITION TO MAKE SPECIAL**

**37 C.F.R. §1.102(d)**

1. Pursuant to MPEP §708.02 VIII(C), Applicant's attorney, Ralph D. Chabot states that a pre-examination novelty search was requested of a professional searcher.

The following is a listing of the field of search:

5/417, 732; 128/846; and 256/1

2. Pursuant to MPEP §§708.02 VIII(D), copies of the references deemed most closely related to the subject matter encompassed by the claims are provided; specifically, copies of five patents are provided: US Pat. No. 5,345,731; US Pat. No. 6,199,230; US Pat. No. 3,699,926; US Pat. No. 5,168,831; and, UK Patent Application GB 2303040. Each of the identified publications were previously submitted to the USPTO either by an IDS electronically filed 11/19/2004 or by an IDS mailed by applicant on 11/22/2004.

3. Pursuant to MPEP §§708.02 VIII(E), the following is a detailed discussion of the references which particularly points out how the claimed subject matter is distinguishable over the references:

Before discussing the references, a brief summation of the pending claims are provided.

Claims 1-5 of the pending application are directed to a method for preventing movement of an infant in a particular direction. In general terms, the method comprises the placement of a barrier upon flooring. The barrier can comprise either a single strip having a plurality of low-profile upward extending sections or it can comprise a plurality of individual units configured on the flooring to collectively define a barrier. The upward extending sections do not have sharp edges that could injure an infant. In fact, the edges are designed so that the skin can not be punctured but yet may still cause temporary discomfort to an infant. The infant will quickly recognize that it can not cross the barrier without experiencing some uncomfortable feeling.

The barrier, being low-profile, allows for the easy movement of adults and older children across the barrier while, because of the infant's physical limitation, the infant does not possess the sufficient length of stride necessary to step over the barrier. No gates or fences are necessary. The child is limited in movement since it can not cross the barrier yet he has the entire room to move about rather than being restricted within a small enclosure such as a playpen.

The prior art references are now discussed:

There were many references pertaining to restricting movement of young children. Two of these references are US Pat. No. 5,345,731 and US Pat. No. 6,199,230. US Pat.

No. 5,345,731 discloses a baby walker barrier having barrier elements 10 configured to provide a positive means for stopping movement. (Col.3, lines 33-36). US Pat. No. 6,199,230 discloses a portable play mat having foam block walls on its perimeter. (Col 2, line 67). Neither of the aforementioned patents will restrict an infant once that infant obtains the ability to crawl and move.

The closest reference in Applicant's opinion is US Pat. No. 5,168,831 which discloses a tacky-surface animal repeller that comprises a sheeting material coated on both sides with non-permanent adhesive. (Abstract). Animals, once touching the adhesive surface purportedly will be sufficiently discouraged from attempting to cross the sheeting material.

Although this sheeting material is obviously low-profile, an adhesive surface may not serve as a deterrent to an infant. Further, over time, dust and other material will collect on the surface, reducing the effectiveness of the sheeting.

By contrast, the barrier of the present invention utilizes low-profile upward extending members that will not puncture a infant's skin.

Another prior art reference is US Pat. No. 3,699,926 which discloses a floor mat for animals having regularly distributed projections. (Abstract). However, one object of the invention is to provide a mat having a soft and flexible support to the feet or bodies of lying animals. (Col. 1, lines 31-35). By contrast, the present invention presents a barrier that discourages contact by an infant.

The final cited reference is UK Patent Application GB 2303040A which discloses an animal deterrent mat. Disclosed is a pad with upwardly projecting cones which are strategically positioned along the pad surface and the pad placed under the surface of the

soil. An unsuspecting animal would contact the cones of the partially buried pad, feel discomfort and be deterred from entering the specific area of the garden in the future. (Page 1). By contrast, the present invention is in full view of the infant and the infant learns that the barrier is not to be crossed.

## CONCLUSION

None of the cited references teach or disclose a method for preventing an infant or toddler from continuing movement in a particular direction utilizing a low-profile barrier which permits traversal by older children and adults.

Respectfully submitted,

Dated: January 19, 2005

A handwritten signature in black ink, appearing to read "Ralph D. Chabot", written over a horizontal line.

Ralph D. Chabot, Reg. No. 39,133  
Attorney for Applicant

(12) **UK Patent Application** (19) **GB** (11) **2 303 040** (13) **A**

(43) Date of A Publication 12.02.1997

(21) Application No 9514113.1

(22) Date of Filing 11.07.1995

(71) Applicant(s)  
**Keith Charles Phillips**  
22 Hillcrest Ave, Aberaman, ABERDARE,  
Mid Glamorgan, CF44 6YH, United Kingdom

(72) Inventor(s)  
**Keith Charles Phillips**

(74) Agent and/or Address for Service  
**Keith Charles Phillips**  
22 Hillcrest Ave, Aberaman, ABERDARE,  
Mid Glamorgan, CF44 6YH, United Kingdom

(51) INT CL<sup>6</sup>  
A01G 13/10, A01M 29/00

(52) UK CL (Edition O )  
A1M MDC  
A4S S1G

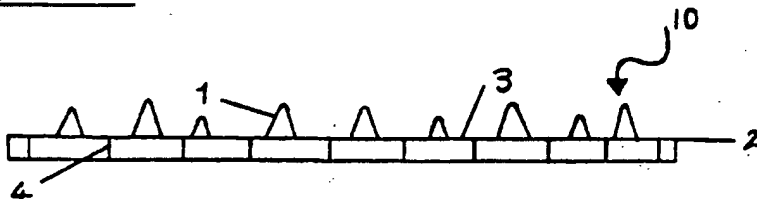
(56) Documents Cited  
GB 2260252 A GB 2249013 A EP 0588604 A2

(58) Field of Search  
UK CL (Edition N ) A1M MDC, A4S S1G  
INT CL<sup>6</sup> A01G 13/10, A01K 3/00, A01M 29/00  
ONLINE DATABASES:-WPI

(54) Animal deterrent mat

(57) A deterrent mat 2 comprises cones 1 of various heights and holes 4 for fixing and drainage. The mat is used in the garden eg to prevent fouling.

FIGURE 2



GB 2 303 040 A



FIGURE 1

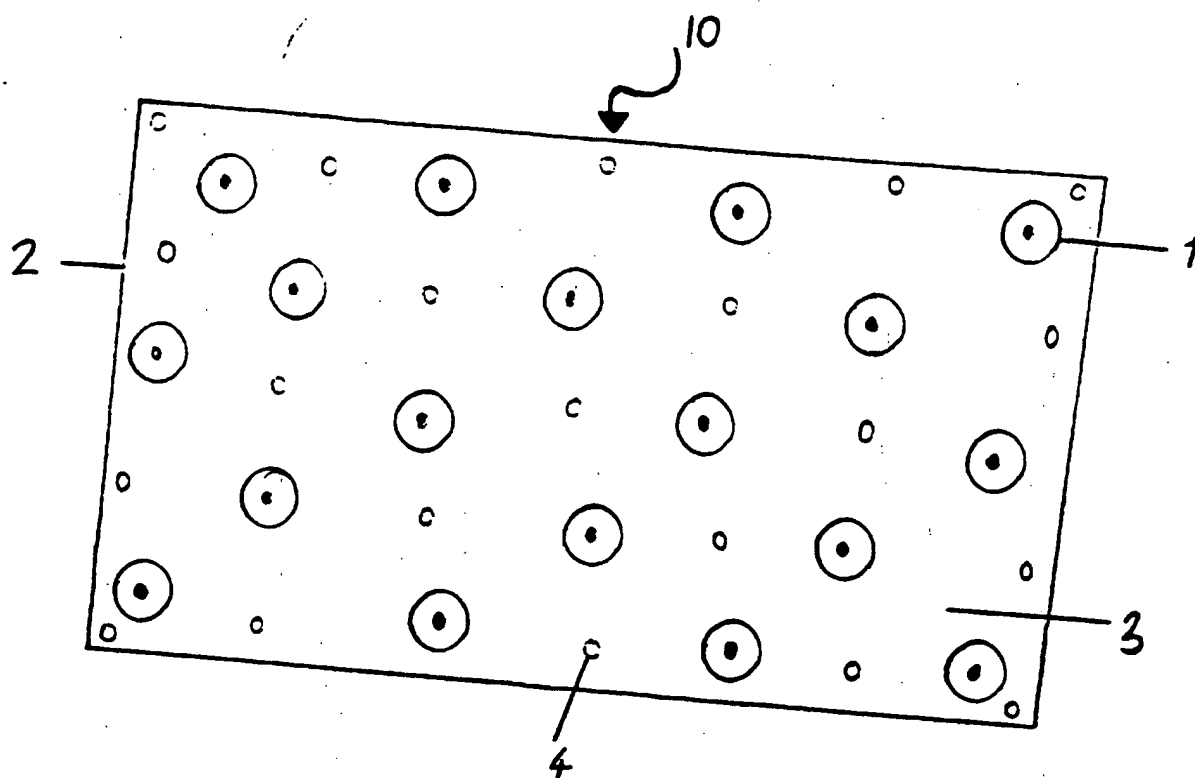
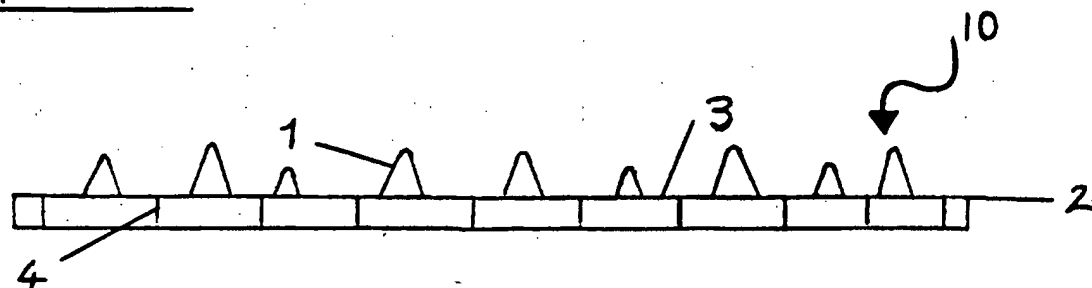


FIGURE 2



# ANTI FOULING PAD

This invention relates to a anti fouling pad which prevents animals from entering garden confines and the like.

The gardener has been plagued over the decades with the problems which arise through animals fouling and digging up the garden. The problem is further increased if new produce has been planted or the garden soil is fresh. The predicament causes concern for the gardener as such vegetables or plants cease to grow.

The objective of the present invention is to provide an improved deterrent against animals entering particular areas of the garden.

According to the present invention there is provided a pad with upwardly projecting cones which are strategically positioned along the pad surface. The pad would be placed under the surface of the soil revealing only the tip of the cone. When the animal walked across the pad discomfort would be felt, therefore deterring the animal from entering that specific area of the garden.

A anti fouling pad according to the invention will now be described by way of example with reference to the accompanying drawing in which :

FIGURE 1, is a perspective view of the anti fouling pad and;

FIGURE 2, is a side elevation of this anti fouling pad of FIG 1.

With reference to the drawings, the anti fouling pad generally indicated 10 includes the surface area 2 of generally flat surface with upwardly projecting cones 1, which are positioned accordingly 3. The surface area 2 includes perforations 4, that allows water access to the soil and enables fixing to the ground by way of pins (not shown) since such pins are well known.

The anti fouling pad 10 is so dimensioned and configured that, when an animal walks over the pad discomfort would be felt due to the upwardly projecting cones 1 on the animals paw. I must specify, the animal would not suffer any form of injury by walking over the pad. Through the positioning of the upwardly projecting cones 1 at intervals 3 the anti fouling pad 10 would cause the animals paw to spread out over the upwardly projecting cones 1, ensuring discomfort to the animal.

It will be appreciated that the anti fouling pad 10 would be introduced to areas of the garden where such problems of fouling and digging up of soil occur.

## CLAIMS

1. A anti fouling pad comprising of a flat surface with upwardly projecting cones positioned strategically upon the pad surface with perforations allowing for drainage and fixing.
2. A anti fouling pad as claimed in claim 1, in which the pad comprises of various different shapes and sizes.
3. A anti fouling pad as claimed in claim 1 and claim 2, in which the upwardly projecting cones could vary in lengths.
4. A anti fouling pad as claimed in claim 1 and claim 2, in which pins can be inserted to fasten pad to ground.
5. A anti fouling pad as claimed in claim 1 and claim 2, in which the pad be constructed of various materials.
6. A anti fouling pad substantially as herein described with reference to, and as shown in, the accompanying drawings.

4

**Patents Act 1977**  
**Examiner's report to the Comptroller under Section 17**  
**(The Search report)**

Application number  
 GB 9514113.1

**Relevant Technical Fields**

- (i) UK Cl (Ed.N)      A1M (MDC); A4S (S1G)  
 (ii) Int Cl (Ed.6)      A01M 29/00, A01K 3/00, A01G 13/10

Search Examiner  
 R D CAVILL

Date of completion of Search  
 4 OCTOBER 1995

**Databases (see below)**

(i) UK Patent Office collections of GB, EP, WO and US patent specifications.

(ii) ONLINE: WPI

Documents considered relevant following a search in respect of Claims :-  
 1 TO 6

**Categories of documents**

- |  |   |
|--|---|
| <p><b>X:</b> Document indicating lack of novelty or of inventive step.</p> <p><b>Y:</b> Document indicating lack of inventive step if combined with one or more other documents of the same category.</p> <p><b>A:</b> Document indicating technological background and/or state of the art.</p> | <p><b>P:</b> Document published on or after the declared priority date but before the filing date of the present application.</p> <p><b>E:</b> Patent document published on or after, but with priority date earlier than, the filing date of the present application.</p> <p><b>&amp;:</b> Member of the same patent family; corresponding document.</p> |
|--|---|

Category	Identity of document and relevant passages	Relevant to claim(s)
A	GB 2260252 A (PUGH) see Figures 7-12 note 3rd paragraph of page 7	All
X	GB 2249013 A (SEWELL) note Figure and conical spikes	1 to 4
X	EP 588604 A2 (SEWELL) note Figure 2 and conical spikes	1 to 4

**Databases:** The UK Patent Office database comprises classified collections of GB, EP, WO and US patent specifications as outlined periodically in the Official Journal (Patents). The on-line databases considered for search are also listed periodically in the Official Journal (Patents).